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U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 1:03CR009-1
)	
Plaintiff,)	
)	
v.)	Judge John M. Manos
)	
WILFREDO COLON,)	
)	
Defendant.)	<u>ORDER</u>

On August 11, 1998, Wilfredo Colon, Defendant, was sentenced to 60 months custody with the Bureau of Prisons, followed by five (5) years supervised release (commenced on October 26, 2001), for violating 21 U.S.C. § 841(a)(1) and (b)(1)(C) (possession with intent to distribute less than 500 grams of cocaine).

On September 12, 2003, Defendant was sentenced to 14 months custody with the Bureau of Prisons, followed by one year of supervised release (commenced on September 1, 2004), for violating the conditions of his supervised release. (Docket No. 12.)

On July 06, 2005, the United States Probation Department filed a violation report with the Court alleging noncompliance by the Defendant with the terms of his supervision. The report included four (4) violations:

1. Law Violation - On 1/28/2005, the offender was searched by the Cleveland Police Department and found to have in his possession a crack cocaine pipe. On 3/10/2005, he was indicted for Drug Possession in Cuyahoga County Court of Common Pleas (CR-05-463295). On 6/07/2005, he failed to appear in Court, and a capias was issued.
2. Drug Use - The offender submitted urine specimens on 6/14/2005 and 6/20/2005 which were certified as being positive for the use of cocaine by Kroll Laboratory Specialists on 6/21/2005 and 6/27/2005, respectively.
3. Failure to Report as Directed - On 5/09/2005, an appointment letter was mailed to the offender directing him to report to the U.S. Probation Office on 5/19/2005 for DNA testing, pursuant to the Justice for All Act of 2004. The offender failed to report. On 6/13/2005, another appointment letter was mailed to the offender directing him to report to the U.S. Probation Office on 6/22/2005 for DNA testing. Again, he failed to report.
4. Failure to submit to Drug Testing as Directed - The offender did not report to the U.S. Probation Office for scheduled urinalyses on 6/21/2005, 6/27/2005, and 6/28/2005.

(Violation Report, at 1.) On July 11, 2005, the Court issued a warrant for Defendant's arrest.

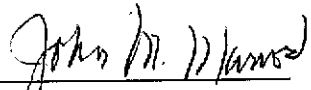
On August 1, 2005, a supplemental report was issued by the Probation Office informing the Court of the Defendant's current status. According to the report, on July 7, 2005, he appeared in the Cuyahoga County Court of Common Pleas and entered a plea of guilty to Drug Possession (CR-05-463295). Also, he is facing an additional Drug Possession charge with the Cuyahoga County Court of Common Pleas (BO-05-6575V). (Supplemental Report, at 1.)

On August 25, 2005, the Court conducted a hearing on the matter. At the hearing, the Defendant, represented by counsel, admitted to the violations as detailed in the report. Thus, the Court finds that the Defendant knowingly and voluntarily admitted to the violations as detailed in the report, and finds that he violated the terms and conditions of his supervision.

Pursuant to 18 U.S.C. § 3583(e)(3), the Defendant's remaining term of supervision is **REVOKED**. The Court hereby sentences him to the custody of the Bureau of Prisons for a term of fourteen (14) months, followed by one (1) year of supervised release. He has a right to appeal this sentence.

IT IS SO ORDERED.

Date: August 25, 2005


United States District Judge